IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10088 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VIJAYKUMAR GORDHANDAS VIKANI

Versus

GUJARAT AGRICULTURE UNIVERISITY

Appearance:

MR RV SAMPAT for Petitioner

MR DG CHAUHAN for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 16/02/2000

ORAL JUDGEMENT

The petitioner seeks to challenge the entrance test held for admission to M.Sc. Course of the Gujarat Agricultural University.

2. It is contended on behalf of the petitioner that the petitioner had scored 73% of marks at B.Sc

Examination and it is only because of the entrance test that he could not secure admission because he could get only 43% marks. It is contended that the entrance test prescribed by the University is not warranted and is unconstitutional and therefore the petitioner ought to be admitted to the M.Sc Course irrespective of the result of the entrance test on the basis of his performance at the B.Sc examination. The contention is thoroughly misconceived. The admission rules and regulations are framed in consonance with the provisions of the Gujarat Agricultural University Act, 1969 and the admission requirements and the mode of admission have been laid down in paragraphs 3 & 4 of the regulations. Accordingly, a candidate for admission to the Master's degree programme should possess a Bachelor's degree with an OGPA of not less than 6.00 (10.00 basis) or its equivalent in aggregate as well as in the field of studies in which admission is sought. The mode of admission provided is that the eligible applicants will be required to appear for the entrance test and interview at their own costs when called for. The admission is to be decided on consideration of the Score (O.G.P.A) at the B.Sc. Examination and the score at the written test, interview as also as per the intake capacity. It is provided that a candidate to become eligible for admission has to secure a minimum of 50% marks in the entrance test examination. It is thus clear that a person who secures less than 50% marks at the entrance test would not be eligible for appointment to the post-graduate course. Such a requirement cannot be said to be arbitrary. Laying down standards for admission to postgraduate course would be within the domain of the University. Such standards are necessary for achieving academic excellence. The performance can be judged only on the basis of the marks that the candidate obtained as envisaged in Para 4.2 of these regulations. An entrance test cannot be said to be an irrational criteria for granting admissions to the post graduate course. It will be noted that the performance at the Bachelor Decree Examination is also made relevant under these rules and the basic requirement is that a candidate should have secured at the Bachelor Degree Examination not less than 6 out of 10 i.e. 60% of marks. The minimum of 50% marks at the entrance examination is also a rational criteria. There is therefore no warrant for issuing any direction for admitting the petition. Reliance of Para 5.2, which provided that in case no sufficient candidates are available from the group of ST/SC Class, the seats that due remain vacant to less number of applications from eligible candidates shall be filled up in the order of merit from the general list of candidates, is

misconceived because that provision does not contemplate going below the minimum eligibility criteria. If what the Learned Counsel for the petitioner contends on the basis of this para is true then even those who have failed will have to be admitted. Para 5.2 cannot be read in a manner that would set at naught the admission requirements and the mode of requirement provided in Para 3 & 4. The petitioner is obviously not entitled to any benefit of Para 5.2. In this view of the matter, the petition is rejected. Notice is discharged with no orders as to costs.

(R.K.Abichandani, J)
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